

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: IMPELLIZZERI, Frederic

SERIAL NO.: 10/530,683

ART UNIT: 3733

FILED: September 02, 2005

EXAMINER: Hoffman, M. C.

TITLE: SELF-LOCKING OSTEOSYNTHESIS DEVICE

Supplemental Amendment E: REMARKS

With regard to Claim 19, the description of "uniform width greater" and proposed "having a same cross-section along a circular axis thereof" or "having a constant cross-section along a circumference" of the Amendment of 4 December 2008 can be clarified. Please review the annotated original Figures 4-6.

The insert is thicker than the plate, and the fixed engagement between the shoulder element of the plate and the insert differs from the prior art.

The plate can be inverted or tilted without the inserts falling out.

The screw does not have to be flush with the plate.

The shoulder indentation is different from the prior art. The hole on the bottom of the plate is bigger. The bone screw has more room to angle with the enlarged hole instead of less room underneath the plate. The additional room is important, especially with small bones in the hands and feet. It is not obvious to invert the shoulder element and still maintain function and stability.

The inventive combination of the thicker insert with a shoulder configuration with the larger opening on the bottom of the plate is not disclosed by the prior art. Additionally, the interrelationship between this particular thicker insert against the surface of this particular plate with a particular shoulder is not disclosed by the prior art. Applicant is willing to consider any language

to describe these original and inventive features.

With regard to independent Claim 26, Applicant has presented alternate language to recite the limitation of the unique fixed engagement structures of the insert on the plate. The basis is reference number "6a" in Figure 4 and in Paragraph [0035] of the original specification for "insert fixedly engaging opposite surfaces of said shoulder". The insert locks onto this "upper edge" shoulder of the plate. The insert is locked into place unlike the prior art. There is no up and down movement of the insert because of the locking engagement of the insert. The insert is more stable. The insert can be pushed and pulled during installation, while remaining in place.

With regard to Claim 28, Applicant presented further alternate language. The insert is "constantly aligned within the plate" and previously "planarly fixed". Again, there is no vertical displacement of the insert, and the insert maintains the same relationship to the plate. Even when the bone screw is angled through the device, the insert maintains a constant and stable relationship with the shoulder of the plate. The prior art does not maintain this relationship with the plate using the structures of the present invention.

Additionally, the insert keeps a constant amount of material at the same thickness all the way around the hole in the plate.

Applicant acknowledges that the function of the present invention is the same as other devices in the field for stabilizing bones. Locking inserts in place is not a new concept. However, the present invention claims more than just this function. Applicant claims a unique invention that combines a special plate structure with an insert structure that has not been made obvious by the prior art.

Again, Applicant is willing to accept suggestions from the Examiner for this description of

the original subject matter from the original drawings.

Based upon the foregoing analysis, Applicant contends that independent Claims 19, 26 and 28 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

<u>March 7, 2009</u>	<u>/Andrew W. Chu/</u>
Date	John S. Egbert; Reg. No. 30,627
	Andrew W. Chu; Reg. No. 46,625
Customer No. 24106	Egbert Law Offices PLLC
	412 Main Street, 7th Floor
	Houston, Texas 77002
	(713)224-8080
	(713)223-4873 fax

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The insert has a thickness greater than the plate.

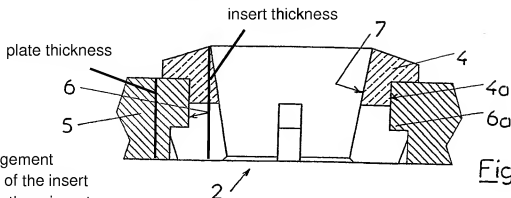


Fig. 4

The fixed engagement of the shoulder of the insert is different from the prior art. The present invention cannot slip out when inverted.

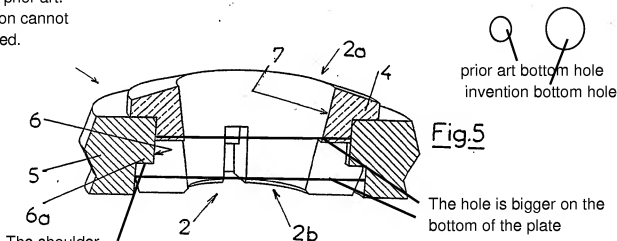


Fig. 5

Claim 26 alternative language: the insert engages the opposite surfaces of the upper edge

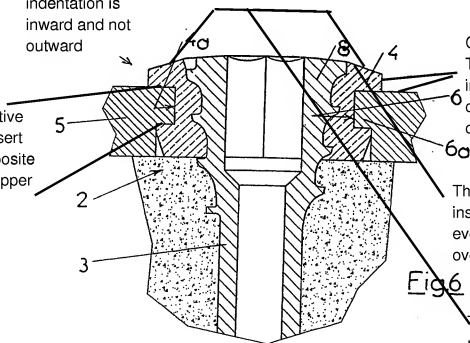
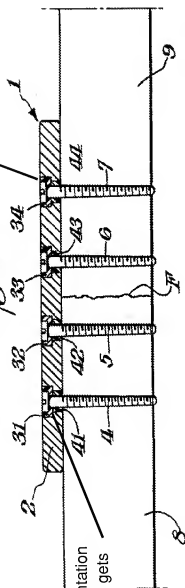


Fig. 6

The same amount of material and thickness of the insert is kept around the entire hole.

The thickness of the insert and plate are the same.

Fig. 4.



The shoulder indentation is inward. The hole gets smaller.

Fig. 5.

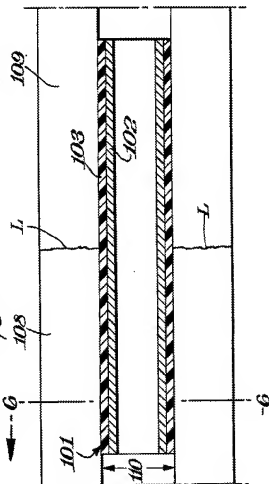


Fig. 6.

